

FIFTY-FOURTH DAY

Senate Chamber,
Austin, Texas,

Tuesday, April 4, 1905.

Senate met pursuant to adjournment, President Pro Tem. Hanger in the chair.

Roll call, quorum present, the following Senators answering to their names:

Barrett.	Hawkins.
Brachfield.	Hicks.
Chambers.	Hill.
Davidson.	Holland.
Decker.	Looney.
Faulk.	Martin.
Faust.	McKamy.
Glasscock.	Meachum.
Griggs.	Skinner.
Grinnan.	Smith.
Hale.	Stokes.
Hanger.	Stone.
Harbison.	Terrell.
Harper.	Willacy.

Absent.

Beaty.	Stafford.
Paulus.	

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of Friday, on motion of Senator Stone, the same was dispensed with.

INVITATION TO ATTEND SERVICES AT HOUSE.

Hon. Geo. D. Neal, President of the Senate.

Dear Sir: In conformity with a resolution passed by the House of Representatives, I beg to notify you that the Senate is cordially invited to be present this morning in the Hall of the House to Representatives to participate in the courtesies extended Hon. Myron T. Herrick, Governor of Ohio, and party. Governor Herrick will deliver an address to the Senate and House at 10:30 this morning, and you are requested to be present at that hour.

Very Respectfully,
S. WEBB, Chairman.

PETITIONS AND MEMORIALS.

By Senator Harbison:

Denison, Texas, March 30, 1905.

Hon. J. L. Harbison, State Senator,
Austin Texas.

Dear Sir: The "Pure Food bill," now pending before the Legislature of the

State of Texas, if passed in its present form, will work a great hardship on every retail grocer in the State.

The retailers favor a pure food law, and the protection we ask is embodied in the amendment contained in the "pure food bill" now pending before the Congress of the United States, known as the "guarantee clause," which reads as follows:

"Provided, that a retail dealer found in possession of an article or articles which do not comply with this act shall be exempt from prosecution if he can show a written or printed guarantee signed by the manufacturer or wholesaler, or his agent, from whom he purchased the goods, to the effect that they do conform to this act."

Provided, further, that the manufacturer or wholesaler issuing such guarantee be a resident of the State of Texas.

We respectfully ask that you use your influences to have this amendment added by our Senate to the bill now before that body.

A. L. Knaw, H. A. Tucker, T. G. Shreeves, the Shreeves Grocery Company, by C. W. Smith, Sec.; J. M. Jemison, W. F. Woody, A. F. Bridges, J. L. Walker, M. Emilstine, B. J. Lindsay, T. Bram, Alex. Campbell, J. E. Worsham, Mixon & Son, J. H. Dunn, Riggs, McMillan Co., Stuats & Palmor, Mrs. J. H. Thompson, A. S. Jones, E. G. Bingham, J. S. Cross, T. E. Steen, A. H. Terrell, J. O. Jackson, Theo. Potts, P. J. Mullen, M. Etzel, P. J. O'Brien, W. J. Dunn, V. J. Douglass, Hedgpeth & Co., M. L. Davis, Davis Bros., J. A. Edwards, W. H. Austin, O. Anderson, Bernard E. Smith, J. S. Vannatta, Brown & Son, J. P. Gates, W. M. Boone.

Denison, Tex., March 30, 1905.

Hon. J. L. Harbison, State Senator,
Austin, Texas.

Dear Sir: The bill now pending in the State Legislature known as "a bill to regulate the Sales of stocks of goods in bulk," is one of vital importance to the merchants of Texas, both wholesale and retail, as it will prevent fraudulent sales of stocks of goods to unscrupulous persons, which would demoralize prices to the detriment of honest and legitimate business.

Therefore, we, the undersigned business men of Denison, Texas, do respectfully request that you support the bill, and use your best endeavors to secure its immediate passage.

A. S. Knaur, Pres. G. & B. P. A.; H. W. Tucker, 1st Vice Pres. G. & B. P. A.; T. G. Shreeves, 2d Vice Pres. G. & B. P. A.; S. S. Durland, Sec. G. & B. P. A.; The Shreeves Grocery Company, by C. W. Smith, Sec.; The Waples-Platter Grocer Company, per A. L.

Platter; The D. Emerson Grocery Company, per W. T. Hibbard; J. M. Jemison, grocer; W. F. Bennett, dry goods; Hall-Leeper Hardware Co., John B. Luperniger, Regensburg Bros., clothing; Clark & Loving, clothing; Max Beck, grocer; Chris Waltz, plumber; J. W. Madden, dry goods; R. D. Beirne, dry goods; Dollarhide & Harris, hardware; Crockett Bros., furniture; W. F. Maddox, grocer; T. E. Shaffer, hardware; A. F. Bridges, grocer; J. W. Hendrich, furniture; J. L. Walker, market; M. Emilstine, grocer; W. M. Esler, pants, etc.; R. W. Hanaway, implements; Alex. Campbell, grocer; Denison Life Co., W. H. Halton, undertaker; J. E. Worsham, grocer; Mixson & Son, grocers; Riggs, McMullen & Co., grocers; O. Anderson, grocer; Brown & Son, grocers; U. W. Bradley, drugs; J. W. Murphy, dry goods; J. E. Boldrick, shoes; J. F. Small, drugs; J. H. Dunn, grocer; W. C. Jolliff, druggist; Stoats & Palmon, grocers; Jas. Boyd, clothes; H. A. Peck, jewelry, Mrs. J. H. Thompson, W. J. Dunn, grocer, A. L. Jones, grocer; E. G. Bingham, grocer; J. S. Cross, grocer; T. E. Steen, grocer; A. H. Terrell, grocer; J. O. Jackson, grocer; Theo. Potts, grocer; E. C. Bray, shoes; Boldrick & Swan, shoes; F. T. Davis, notions; L. B. Moore, jewelry; Williams Tailoring Co., Stuart, the tailor; R. Andrews, furniture; J. H. Porter, grocer; E. H. Hanna, drugs; P. J. Mullen, grocer; M. Etzel, grocer; P. J. O'Brien, grocer; V. J. Douglass, grocer; Hedgpeth & Co., grocer; M. L. Davis, grocer; Davis Bros., grocers; J. A. Edwards, grocer; W. H. Austin, grocer; Bernard E. Smith, grocer; J. S. Vanette, grocer; J. P. Gates, grocer; W. M. Boone, grocer.

By Senator Glasscock:

To the Hon. George Glasscock:

We, the undersigned citizens and farmers of Burnet county, Texas, would respectfully ask you to support the tax measures that originated in the House, to wit: The Bowser bill, the Love bill and the Kennedy bill.

A. L. Kimmons, F. J. Williamson, W. T. Clark, J. C. Rose, S. E. Holland, A. H. Edwards, C. T. Baugh, J. E. Dunaway, T. J. Dunaway, C. J. Hibler, T. M. Grant, W. C. Nance, D. A. Nance, G. K. Haile, C. D. Ferris.

(See Appendix for committee reports.)

BILLS AND RESOLUTIONS.

(Resolution.)

By Senator Looney:

Resolved, That House bill No. 15, known as the Terrell election bill, be

printed for the use of the Senate in the type and form used by the House of Representatives.

The resolution was read and adopted.

(Bills.)

By Senator Stokes:

Senate bill No. 315, a bill to be entitled "An Act to amend Article 642 of the Revised Civil Statutes of Texas as amended by Chapter 130, Acts of the Twenty-fifth Legislature; Chapter 43, Acts of the Twenty-sixth Legislature; Chapter 43, Acts of the Twenty-seventh Legislature, and Chapter 129, Acts of the Twenty-eighth Legislature, by adding thereto Subdivisions —, authorizing the formation of corporations for the growing, purchasing, selling of farm, orchard and dairy products, and the purchase and lease of all lands necessary for such purposes; to construct and maintain establishments for the manufacturing, milling, preserving, refrigerating, canning, curing and preparing of the same for market, and for selling the same, and declaring an emergency."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Harbison:

Senate bill No. 316, a bill to be entitled "An Act to purchase from the Texas World's Fair Commission certain properties now situated at the University of Texas and belonging to said commission, and appropriating the sum of \$5000 in payment therefor and declaring an emergency."

Read first time, and referred to Committee on Finance.

MESSAGE FROM THE GOVERNOR.

Executive Office,
Austin, Texas, April 4, 1905.

To the Senate:

I ask the advice and consent of the Senate to the appointment of J. F. Mullally, of Webb county, Texas, to be Judge of the Forty-ninth Judicial District of the State of Texas to fill the vacancy caused by the resignation of Judge A. L. McLane.

S. W. T. LANHAM,
Governor.

EXECUTIVE SESSION—TIME SET FOR.

On motion of Senator Willacy, tomorrow morning at 11 o'clock was the time set for the Senate to sit in executive session to consider the above appointment.

FREE CONFERENCE COMMITTEE
REPORT—ADOPTION OF.

Austin, Texas, March 31, 1905.

Hon. George D. Neal, President of the Senate, and Hon. F. W. Seabury Speaker of the House of Representatives.

Sirs: We, your free conference committee on Senate bill No. 252, beg leave to report that we have had the same under consideration and herewith submit the following report:

We recommend the adoption of the amendments herewith submitted, in lieu of the amendments adopted by the House.

(Amendments.)

(1)

Strike out the caption of the bill and substitute the following in lieu thereof:

"An Act to create a more efficient road system for Harris county, Texas, authorizing the county commissioners court of Harris county to create within said county road districts, which may or may not include towns, villages or municipal corporations or portions thereof within such district; to build, construct and maintain macadamized, graveled or paved roads and streets, to issue bonds in payment therefor, to provide for elections for the voting of such bonds, the levying and collection of taxes for the purposes of their discharge and cancellation, granting power of condemnation and to do all things necessary to the completion of good, substantial roads as authorized by the Constitution of the State of Texas and the provisions of this act and declaring an emergency."

(2)

Amend the bill by striking out Section 1 and substituting the following in lieu thereof:

Section 1. That the County Commissioners Court of Harris county may, upon the petition of fifty or more resident property taxpayers of said county, whose property shall be affected thereby, create within said county, road districts, which may or may not include towns, villages or municipal corporations or portions thereof within the boundaries or limits of such district or districts. Such districts when so established may, under the direction of the county commissioners court as hereinafter provided, build, construct and maintain macadamized, graveled or paved roads and streets; and to make all such improvements thereto and thereon as shall be necessary to the completion of good and substantial first class roads and streets, and may issue bonds of said district in payment therefor not to exceed the amount as authorized by

the Constitution of the State of Texas, and according to the provisions of this act, provided the same shall be submitted to a vote of the resident property taxpayers who are qualified electors of such district, and carried by a two-thirds majority vote thereof.

(3)

Amend the bill by striking out all of Section 3 and substituting the following in lieu thereof:

"Section 3. When such district has been created by the order of the county commissioners court, said court shall then determine upon the amount of bonds to be issued by said district for the purposes designated in Section 1 of this act, and which amount shall never exceed that of one-fourth of the assessed valuation of the real property of such district, and shall determine the time and place or places of holding the election therefor; and the manner of holding such election shall be governed by the laws of the State governing general and special elections. The proposition to be submitted to the voters shall specify the purposes for which the bonds are to be issued, the amount thereof, the time payable and rate of interest, provided that no such bonds shall ever be issued which in point of time, shall extend beyond forty years, nor which shall draw a greater rate of interest than 5 per cent per annum.

"All ballots to be voted in said election shall have written or printed thereon, 'For the Road Bonds,' and 'Against the Road Bonds.' Such proposition to be voted upon shall be submitted to a vote of the resident property taxpayers, who are qualified electors of such district or territory to be affected thereby, and if said proposition shall receive a two-thirds majority vote in favor thereof of all such electors voting thereon, then such road improvements shall be made accordingly, and the bonds of said district issued as authorized by this act, under the further direction of the county commissioners court."

(4)

Amend Section 4 of the bill by striking out the first full sentence thereof ending with "court," and inserting in lieu thereof the following:

"At the time of the issuance of the bonds authorized by this act, the county commissioners court shall levy and cause to be assessed and collected a road improvement tax, in the same manner as other taxes are levied and collected, upon all the property in said district, as ascertained from the last assessment by the county assessor, the same to be in an amount sufficient to pay the interest upon said bonds as it shall become due, and to create a sinking fund with which to discharge

and cancel said bonds at their maturity.'

(5)

Amend the bill by striking out Section 5, and inserting in lieu thereof the following:

"Section 5. The commissioners court shall utilize the fund arising from the sale of the bonds herein authorized for the purposes of constructing, maintaining and operating macadamized, graveled or paved roads, together with the necessary drain ditches and canals along said roads, to the construction of and cleaning out of such drains in the vicinity of said roads, whenever the same shall be necessary to the betterment and permanency of roads so constructed in such district.

"Wherever the words 'road' or 'roads' are used in this act, they shall be held to mean either county roads or streets within incorporated towns or cities."

(6)

Amend by striking out of Section 4 the words "and bridges" where it occurs in the phrase, "Harris county road and bridge bonds."

(7)

Amend by inserting in line 13, Section 2, after the word "however," the following: "That such districts shall not include parts of two or more commissioners' precincts, and provided,"

Respectfully submitted,

GRIGGS.
TERRELL.
BEATY.

On the part of the Senate.
BRYAN of Harris.

HOSKINS.
MARSH.
NELMS.
WEBB.

On the part of the House.

On motion of Senator Griggs the report was adopted by the following vote:

Yeas—26.

Barrett.	Hawkins.
Brachfield	Hicks.
Chambers.	Hill.
Davidson.	Looney.
Decker.	Martin.
Faulk.	McKamy.
Faust.	Meachum.
Griggs.	Skinner.
Grinnan.	Smith.
Hale.	Stokes.
Hanger.	Stone.
Harbison.	Terrell.
Harper.	Willacy.

Absent.

Beaty.	Paulus.
Glasscock.	Stafford.
Holland.	

Senator Griggs moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

HOUSE BILL NO. 116—RECOMMITTED.

Senator McKamy moved that House bill No. 116 be recommitted to Judiciary Committee No. 2.

The motion was adopted.

FREE CONFERENCE COMMITTEE REPORT ON SUBSTITUTE SEN- ATE BILL NOS. 5 AND 79. LAID ON ABLE SUB- JECT TO CALL.

Senator Skinner here offered a free conference committee report on substitute Senate bill Nos. 5 and 79.

The report was read, and

On motion of Senator Smith the report was laid on the table subject to call.

FIRST HOUSE MESSAGE.

Hall of the House of Representatives,
Twenty-ninth Legislature.

Austin, Texas, April 4, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

House bill No. 399, a bill to be entitled "An Act requiring railroad companies to construct sidings and spur tracks, and giving to the Railroad Commission power to require the construction of same in certain cases." Also

House bill No. 340, a bill to be entitled "An Act to amend Article 644 of the Revised Civil Statutes of the State of Texas, relating to corporations." Also

House bill No. 597, a bill to be entitled "An Act to define the method of computing the annual franchise tax payable by private, domestic and foreign corporations; to repeal all laws and parts of laws in conflict with the provisions of this act, and declaring an emergency," with engrossed rider. Also

Senate concurrent resolution No. 8, relating to interstate shipment of intoxicating liquors.

Granted the request of the Senate for a free conference committee on Senate bills 43 and 252, and appointed the following on part of the House: Messrs. Bryan of Harris, Hoskins, Marsh, Nelms, Webb; on Senate bill

252. Messrs. Love of Dallas, Love of Williamson, Harris, Canales, Williams on Senate bill No. 43.

Also adopted resolution inviting the Senate to attend the reception of Governor Myron T. Herrick and party.

House concurrent resolution No. 25, relating to the appointing a committee to investigate the management of the Confederate Home.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

HOUSE BILL NO. 276—PASSAGE OF.

On motion of Senator Davidson the pending order of business, House bill No. 37, was suspended, and the Senate took up, out of its order, House bill No. 276.

The Chair laid before the Senate on third reading.

House bill No. 276, a bill to be entitled "An Act to authorize the Galveston, Harrisburg and San Antonio Railway Company to purchase, own and operate the railroads of the New York, Texas and Mexican Railway Company with the franchises and other property thereunto appertaining; the railroads of the Gulf, Western Texas and Pacific Railway Company, with the franchises and other property thereunto appertaining; the railroads of the Gonzales Branch railroad, with the franchises and other property of the Galveston, Houston and Northern Railway Company, with the franchises and other property thereunto appertaining, and the railroad of the San Antonio and Gulf Railroad, with the franchises and other property thereunto appertaining; or either or any of such railroads, with its or their franchises and appurtenances; and to authorize the owners of each of said railroads and its or their franchises and appurtenances, to sell the same; to authorize the Galveston, Harrisburg and San Antonio Railway Company to construct, own, operate and maintain or to amend its charter so as to authorize it to construct, own, operate and maintain a railroad from a connection with the present terminus of the San Antonio and Gulf Railroad at or near Stockdale to the town of Cuero, in De Witt county; and to authorize the Galveston, Harrisburg and San Antonio Railway to issue additional mortgage bonds to the amount of the value of the railroads, franchises and appurtenances so purchased, and to the amount of the value of the railroad hereafter constructed by it under the provisions of this act as or the same may be fixed by the Rail-

road Commission of Texas; and to regulate the reports of the operations of such properties."

The bill was read third time and passed by the following vote:

Yeas—16.

Barrett.	Hill.
Davidson.	Holland.
Decker.	Martin.
Faust.	McKamy.
Griggs.	Meachum.
Hale.	Stokes.
Hanger.	Stone.
Hicks.	Willacy.

Nays—10.

Brachfield.	Harbison.
Chambers.	Looney.
Faulk.	Skinner.
Glasscock.	Smith.
Grinnan.	Terrell.

Present—Not Voting.

Harper.	Hawkins.
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Absent.

Beaty.	Stafford.
Paulus.	

PAIRED.

Hawkins (present) vote "no."
 Beaty (absent) vote "I."
 Harper (present) votes nay.
 Paulus (absent) votes yea.

HOUSE BILL NO. 96—REFUSED TO TAKE UP.

Senator Chambers moved that the pending order of business (House bill No. 37) be suspended and the Senate take up, out of its order, House No. 96.

The motion was lost by the following vote:

Yeas—17.

Barrett.	Hicks.
Chambers.	Hill.
Davidson.	Holland.
Decker.	McKamy.
Faust.	Meachum.
Griggs.	Skinner.
Hale.	Terrell.
Hanger.	Willacy.
Hawkins.	

Nays—11.

Brachfield.	Looney.
Faulk.	Martin.
Glasscock.	Smith.
Grinnan.	Stokes.
Harbison.	Stone.
Harper.	

Absent.

Beaty. Stafford.
Paulus.

ATTENDED RECEPTION AT HOUSE.

At this hour (10:30) the Senate, in accordance with the resolution adopted this morning, repaired to the House of Representatives to attend reception of Governor Myron T. Herrick of Ohio.

IN THE SENATE.

At 11:45 o'clock the Senate returned to its chamber.

HOUSE BILL NO. 387.

Senator Grinnan moved that the pending order of business (House bill No. 37) be suspended and the Senate take up, out of its order, House bill No. 387.

At this time the Chair announced that the Senate would stand at ease for a few minutes for the purpose of the members meeting Governor Myron T. Herrick of Ohio, who was then in the Senate Chamber.

The Senate was again called to order, Lieutenant Governor Neal in the chair, and the question being on Senator Grinnan's motion to take up House bill No. 387.

Senator Smith moved that the Senate take a recess till 3 o'clock p. m. The motion was adopted.

AFTER RECESS.

The Senate was called to order by Lieutenant Governor Neal.

The question being on Senator Grinnan's motion to take up House bill No. 387, with Senator Skinner on the floor.

Senator Skinner, as a substitute, moved that the bill be made a special order for Friday morning.

Pending a prolonged discussion on the motion, Senator McKamy was called to the chair.

Pending further discussion of the motion, Senator Hawkins made a point of order that as the motion to suspend pending business could not be substituted by a motion to postpone, inasmuch as there was nothing before the Senate.

47—Senate.

The Chair sustained the point of order.

The motion to suspend pending business and take up House bill No. 387 was adopted by the following vote:

Yeas—24.

Barrett.	Hicks.
Beaty.	Hill.
Brachfield.	Holland.
Chambers.	Looney.
Decker.	Martin.
Faulk.	McKamy.
Faust.	Meachum.
Glasscock.	Skinner.
Griggs.	Stokes.
Grinnan.	Stone.
Hale.	Terrell.
Hanger.	Willacy.
Harbison.	

Nays—5.

Davidson.	Martin.
Harper.	Smith.
Hawkins.	

Absent.

Paulus.	Stafford.
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The Chair laid before the Senate on second reading,

House bill No. 387, a bill to be entitled "An Act to create and establish a Confederate Woman's Home for the indigent wives and widows of the ex-Confederate soldiers and sailors of Texas, and to make an appropriation for the maintenance of the same, and to provide for a governing board."

Senator Skinner moved to suspend further consideration of the bill till next Friday morning and make it a special order after the morning call, and

Senator Stone moved to table the motion to postpone, which motion was adopted, by the following vote:

Yeas—20.

Barrett.	Harbison.
Brachfield.	Hawkins.
Chambers.	Hicks.
Decker.	Holland.
Faulk.	Looney.
Faust.	Smith.
Glasscock.	Stokes.
Griggs.	Stone.
Grinnan.	Terrell.
Hanger.	Willacy.

Nays—9.

Beaty.	Martin.
Davidson.	McKamy.
Hale.	Meachum.
Harper.	Skinner.
Hill.	

Absent.

Paulus.	Stafford.
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Senator Skinner offered the following amendment:

Amend the bill, Section 4, page 2, by striking out all of subdivision 3, beginning with line 17, page 2, and ending with line 21, and insert in lieu thereof as follows:

3. That she is the widow of a Confederate soldier or sailor, such as are mentioned in Section 51, Article 3, of the Constitution of this State; that she is in indigent circumstances, and has never re-married since the death of her soldier or sailor husband, and that she has been a bona fide resident of the State of Texas since March 1, 1880, and that she was married to such soldier or sailor anterior to March 1, 1880; provided that such aid shall not exceed eight (\$8) dollars per month for each inmate of said home.

By Looney and Skinner.

The amendment was lost by the following vote:

Yeas—11.

Beaty.	Hicks.
Brachfield.	Looney.
Davidson.	Martin.
Faust.	McKamy.
Harper.	Skinner.
Hawkins.	

Nays—18.

Barrett.	Harbison.
Chambers.	Hill.
Decker.	Holland.
Faulk.	Meachum.
Glasscock.	Smith.
Griggs.	Stokes.
Grinnan.	Stone.
Hale.	Terrell.
Hanger.	Willacy.

Absent.

Paulus. Stafford.

Senator Willacy offered the following amendment:

Amend by adding to Section 4, page 2, the following: "Provided, said compensation shall not exceed the amount fixed and provided for said service by the Legislative appropriation."

Senator Chambers moved the previous question on the amendment and the engrossment of the bill, which being duly seconded, was ordered by the following vote:

Yeas—26.

Barrett.	Glasscock.
Beaty.	Griggs.
Brachfield.	Grinnan.
Chambers.	Hale.
Decker.	Hanger.
Faulk.	Harbison.
Faust.	Hawkins.

Hicks.	Meachum.
Hill.	Smith.
Holland.	Stokes.
Looney.	Stone.
Martin.	Terrell.
McKamy.	Willacy.

Nays—3.

Davidson. Skinner.
Harper.

Absent.

Paulus. Stafford.

The amendment was then adopted.

The bill was read second time and ordered engrossed by the following vote:

Yeas—19.

Barrett.	Hanger.
Beaty.	Harbison.
Chambers.	Hill.
Decker.	Martin.
Faulk.	Meachum.
Faust.	Stokes.
Glasscock.	Stone.
Griggs.	Terrell.
Grinnan.	Willacy.
Hale.	

Nays—10.

Brachfield.	Holland.
Davidson.	Looney.
Harper.	McKamy.
Hawkins.	Skinner.
Hicks.	Smith.

Absent.

Paulus. Stafford.

Senator Decker moved that the constitutional rule requiring bills to be read on three several days be suspended and the bill put on its third reading and final passage.

The motion was lost by the following vote:

Yeas—16.

Barrett.	Hanger.
Chambers.	Harbison.
Decker.	Hicks.
Faulk.	Hill.
Glasscock.	Stokes.
Griggs.	Stone.
Grinnan.	Terrell.
Hale.	Willacy.

Nays—11.

Brachfield.	Martin.
Davidson.	McKamy.
Faust.	Meachum.
Harper.	Skinner.
Hawkins.	Smith.
Looney.	

Absent.

Beaty. Holland.
Paulus. Stafford.

INVITATION.

Lieutenant Governor Neal, President of Senate, Austin, Texas:

The Daughters of Texas Republic and Alamo Mission Fund Organization, request the honor of the presence of your honorable body in San Antonio April 28, to attend a reception to be given in honor of the Twenty-ninth Legislature, to witness the sowing of Flowers, and be present at Patriotic Ball.

CLARA DRISCOLL,
President and Treasurer Alamo Mission Fund Organization.
April 1, 1905.

SENATE BILL NO. 146 — HOUSE AMENDMENTS CONCURRED IN.

Senator Holland called up

Senate bill No. 146, a bill to be entitled "An Act to amend Article 2462, Title XLV, Chapter 3, of the Revised Statutes of 1895."

And moved that the Senate concur in the following House amendments:

(Committee Amendment.)

Strike out all after the enacting clause and insert the following:

That Article 2462, Title XLV, Chapter 3, of the Revised Statutes be amended so as to read as follows:

"Article 2462. For summoning jurors in district and county courts, serving all election notices, notices to overseers of roads, attending the district and county court, and doing all other public business not otherwise provided for, the sheriff shall receive annually not exceeding five hundred dollars (\$500), to be fixed by the commissioners court at the same time other ex-officio salaries are fixed, provided,

"That in counties exceeding twenty-five thousand (25,000) population at last decennial census, sheriffs may receive an additional amount not exceeding fifty dollars (\$50) for each five thousand population in excess of twenty-five thousand up to fifty thousand population; to be paid out of the general funds of the county, on the order of the commissioners court.

"Provided, that the total amount of compensation which may be paid annually shall, under the provisions of this act, not exceed the sum of eight hundred dollars (\$800)."

Amend, in line 8, page 3, by striking out the word "shall" and insert in lieu thereof the word "may."

Amend page 3, lines 6 and 7, by striking out all after the word "road," in line 6, and down to the word "and," in line 7.

Senator Holland moved that the fur-

ther consideration be postponed till tomorrow morning, which was adopted.

HOUSE BILL NO. 37.

The Chair laid before the Senate, on second reading, as pending business,

House bill No. 37, a bill to be entitled "An Act prescribing how and by whom tickets on railroads, steamboats, or transportation companies of any kind engaged in the carrying and transportation of passengers, and by individuals engaged in the transportation of passengers, shall be sold, and providing for the redemption of tickets unused, and designating who may use such tickets, and prescribing penalties for the violation of this act, and repealing all acts in conflict herewith."

Senator Hale offered the following amendment:

Amend page 3, Section 4, by striking out in lines 1 and 2, the following words: "except round trip excursion tickets sold between points in this State."

SECOND HOUSE MESSAGE.

Hall of the House of Representatives,
Twenty-ninth Legislature.

Austin, Texas, April 4, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has adopted the Free Conference Committee report on Senate bill No. 252, by following vote: Yeas, 89; nays, none.

Also House concurrent resolution No. 24, requesting the Governor to return House bill No. 520 for correction.

House bill No. 575, a bill to be entitled "An Act making appropriations for deficiencies in the appropriations heretofore made for the support of the State government for the fiscal years ending February 22, 1901; August 31, 1901; August 31, 1902; August 31, 1903; August 31, 1904, and August 31, 1905, being for claims registered by the Comptroller's office in accordance with law, and for outstanding claims not registered, and to make additional appropriations for the support of the State government for the year ending August 31, 1905."

Concurred in Senate amendments to House bill No. 22.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

SENATE BILLS SIGNED BY THE CHAIR.

The Chair (Lieutenant Governor

Neal) gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read.

Senate bill No. 281, a bill to be entitled "An Act ratifying and confirming an ordinance passed by the board of Commissioners of the City of Galveston on the 13th day of March, 1905, entitled 'An Ordinance abandoning closing and discontinuing certain streets, avenues and alleys of the City of Galveston, and authorizing and empowering M. A. Low and his heirs and assigns, to construct and perpetually maintain piers, docks, wharves, warehouses, depots, platforms, tracks and elevators, and to dredge or fill between and on the sides of such piers, docks, wharves, warehouses, depots, platforms, tracks and elevators, on the shores of Galveston Bay, within the corporate limits of the City of Galveston, upon certain specified conditions, and conditionally relinquishing any claim the State of Texas may have to part of the land therein described."

Substitute Senate bill No. 293, a bill to be entitled "An Act to amend Article 642 of Chapter 130 of the Acts of the regular session of the Twenty-fifth Legislature, entitled 'An Act to amend Articles 641 and 642, Chapter 2, Title XXI, of the Revised Civil Statutes of Texas, relating to corporations,' and to add to said Article 642 a new subdivision, to be known as Subdivision 64, providing for the organization of companies for constructing, operating and maintaining causeways or causeways and bridges, with authority to borrow money and issue bonds without the amount of such issue being limited by the provisions of Article 653 of the Revised Civil Statutes of the State of Texas, with the right to demand, receive and collect charges as fares or tolls. See Appendix A for bill in full.

Senate bill No. 44, a bill to be entitled "An Act to prohibit any person, firm or association of persons, agents or employees of such person, firm or association of persons who are engaged in the occupation or business of storing or keeping for others, spirituous, vinous or intoxicating liquors, within any county, justice precinct, subdivision of a county, town or city, within this State, wherein the sale of spirituous, vinous and intoxicating liquor has been prohibited according to law, from allowing any vinous, spirituous or intoxicating liquors to be drunk within said place of business, and providing a penalty therefor."

Substitute Senate bill No. 45, a bill to be entitled "An Act to amend Articles 3611, 3621, Title LXXVII, Chapter 1, of the Revised Statutes."

HOUSE BILLS SIGNED BY THE CHAIR.

The Chair, President Pro Tem. Hanger, gave notice of signing, and did sign in the presence of the Senate after their captions had been read.

House bill No. 579, "An Act to create a more efficient road law in Morris county, Texas."

House bill No. 251, a bill to be entitled "An Act to amend Chapter 153 of the General Laws of the State of Texas, passed at the regular session of the Twenty-fifth Legislature, and amended at the regular session of the Twenty-sixth Legislature, and at the regular session of the Twenty-seventh Legislature, and at the first called session of the Twenty-seventh Legislature, and at the regular session of the Twenty-eighth Legislature, 'An Act to prohibit the taking of fish from the fresh waters and streams of this State otherwise than by means of an ordinary hook and line and trotline, and to prohibit the sale or shipment of game fish in this State, and to provide penalties for the violation thereof; by fixing a penalty for the use of poison, dynamite or other explosives in killing, catching and taking fish."

House bill No. 333, a bill to be entitled "An Act to authorize and empower the State of Texas for the purpose of erecting thereon a mausoleum to the memory of Dawson's men and the Mier prisoners, to acquire, by purchase or condemnation, title to the site in Fayette county, Texas, on Monument Bluff, south of the town of LaGrange, and out of the D. Berry league, whereon stands the vault in which are entombed the bones of Dawson's men and the Mier prisoners, together with a way for public use from one of the public highways of Fayette county to said site, and to make an appropriation therefor."

House bill No. 442, a bill to be entitled "An Act for the relief of S. F. Perry."

House bill No. 526, a bill to be entitled "An Act to amend Sections 1, 14, 15 and 16, and to add Section 17, containing the emergency clause, to Chapter 110 of the Acts of Twenty-fifth Legislature, entitled 'An Act to create a more efficient road system for Ellis county, Texas.'"

House bill No. 458, a bill to be entitled "An Act creating an independent school district in the counties of Ellis and Dallas, State of Texas, to be known as the Ferris independent school district and to have all the powers, rights and duties of independent school districts formed by the incorporations of towns and villages for free school purposes only."

House bill No. 474, a bill to be entitled "An Act to amend the charter of

the city of Sherman, by adding to said city charter of the city of Sherman, Sections 1a to 29a, inclusive, and by repealing all laws or parts of laws in conflict with such added sections, and to declare an emergency."

House bill No. 570, a bill to be entitled "An Act to amend an act entitled 'An Act to amend an act entitled 'An Act to incorporate the City of Austin, to grant it a new charter and to fix its boundaries,' passed at the first called session of the Twenty-seventh Legislature, being Chapter 3 of the Special Laws of said session, said act approved September 18, 1901, and to repeal all laws in conflict therewith," so as to provide for extending the boundaries of the city so as to include within such boundaries J. W. Beard's one acre tract."

House bill No. 566, a bill to be entitled "An Act to amend Chapter 21 of the Special Laws of the Twenty-seventh Legislature, creating a road law for Cass county, Texas, and being entitled 'An Act to create a more efficient road law for Cass county, creating the office of county road superintendent, prescribing his qualifications and duties and fixing salary for same; providing for working county and State convicts and delinquent poll taxpayers on public roads.'"

House bill No. 217, a bill to be entitled "An Act to amend the charter of the city of Galveston by amending Sections 35, 40, 70 and subdivisions (g) and (l) of Section 19 thereof, and by adding thereto Section 71a."

BILLS READ AND REFERRED.

The Chair, Lieutenant Governor Neal, had read and referred, after their captions had been read, the following House bills:

House bill No. 399, to Internal Improvements.

House bill No. 340, to Judiciary No. 1.

House bill No. 597, to Judiciary No. 1.

House bill No. 575, to Finance Committee.

(See House Messages of today for captions.)

ADJOURNMENT.

On motion of Senator Skinner, the Senate, at 6 o'clock p. m. adjourned till tomorrow morning at 10 o'clock.

APPENDIX.

COMMITTEE REPORTS.

ENROLLING DEPARTMENT.

Committee Room,
Austin, Texas, April 3, 1905.
Hon. George D. Neal, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 62, and have this day, at 11:30 o'clock a. m., presented the same to the Governor for his approval.

TERRELL, Chairman.

Senate bill No. 62, An Act to amend Article 34, Chapter 3, Title I, Penal Code of the State of Texas, providing that no person under the age of 13 years shall be convicted unless it appear by proof that such child had discretion sufficient to understand the nature and illegality of the act constituting the offense.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 34, Chapter 3, Title I of the Penal Code of the State of Texas, be so amended as to hereafter read as follows:

No person shall in any case be convicted of any offense committed before he was of the age of 9 years, except perjury, and for that only when it shall appear by proof that he had sufficient discretion to understand the nature and obligation of an oath; nor of any other offense committed between the years of 9 and 13 unless it shall appear by proof that he had discretion sufficient to understand the nature and illegality of the act constituting the offense.

Sec. 2. Whereas, The fact that there is now no law which renders competent as witnesses persons under 9 years of age, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

(Bill in Full.)

Committee Room,

Austin, Texas, April 4, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Senate substitute bill No. 293, being "An Act to amend Article 642 of the Revised Civil Statutes of Texas, as amended by Chapter 130, Acts of the Regular Session of the Twenty-fifth Legislature; Chapter 43, Acts of the Twenty-sixth Legislature; Chapter 43, Acts of the Twenty-seventh Legislature, and Chapter 129, Acts of the Twenty-eighth Legislature, by adding to said Article 642 a new subdivision, to be known as Subdivision 64, providing for the organization of companies for constructing, operating and maintaining causeways, or causeways and bridges, with authority to borrow money and issue bonds without

the amount of such issue being limited by the provisions of Article 653 of the Revised Civil Statutes of the State of Texas, with right to demand, receive and collect charges as fares or tolls.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 642 of the Revised Civil Statutes of the State of Texas, as amended by Chapter 130 of the General Laws of the Twenty-fifth Legislature; Chapter 43, Acts of the Twenty-sixth Legislature; Chapter 43, Acts of the Twenty-seventh Legislature, and Chapter 129, Acts of the Twenty-eighth Legislature, be amended by adding thereto Subdivision 64, to read as follows:

64. For the organization of companies for constructing, operating and maintaining causeways or causeways and bridges, which may be used for any and all modes of travel and transportation, with the right to demand, receive and collect charges as fares or tolls. Any company organized under this subdivision that shall construct a causeway and bridge of at least one mile in length across any bay or arm of the sea contiguous to a city having not less than twenty thousand inhabitants within this State shall have authority to borrow money and issue bonds without being limited in the amount of such issue by the provisions of Article 653 of the Revised Civil Statutes of this State.

Sec. 2. Whereas, It is desirous of constructing causeways with a view to facilitating and aiding transportation between the islands in this State and the mainland; and whereas, the present session of the Legislature is nearing its close, and the calendars of the Senate and the House are in a crowded condition, therefore the emergency exists and an imperative public necessity demands that the constitutional rule requiring bills to be read on three several days in each house be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

And find the same correctly enrolled, and have this day, at 4:20 o'clock p. m., presented the same to the Governor for his approval.

TERRELL, Chairman.

(Bill in Full.)

Committee Room,

Austin, Texas, April 4, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 44, being "An Act to prohibit any person, firm or association of persons, agents or employees of such person, firm or association of

persons who are engaged in the occupation or business of storing and keeping for others, spirituous, vinous or intoxicating liquors within any county, justice precinct, subdivision of a county, town or city within this State, wherein the sale of spirituous, vinous or intoxicating liquor has been prohibited according to law, from allowing any vinous, spirituous or intoxicating liquors to be drunk within said place of business, and providing a penalty therefor."

Be it enacted by the Legislature of the State of Texas:

Section 1. If any person, firm or association of persons, agent or employee of any person, firm or association of persons, who are engaged in the business or occupation of keeping or storing spirituous, vinous or intoxicating liquors for others within any county, justice precinct, subdivision of a county, city or town in which the sale of spirituous, vinous and intoxicating liquor has been prohibited under the laws of this State, shall permit any one to drink any spirituous, vinous or intoxicating liquor within such place of business, such person, firm or association of persons, agent or employee, shall be deemed guilty of a misdemeanor.

Sec. 2. If any person, firm or association of persons, or any agent or employee, shall be found guilty of the above defined offense, they shall be punished by a fine in any sum not less than twenty-five (\$25) dollars and by confinement in the county jail for not less than twenty nor more than sixty days.

And find the same correctly enrolled, and have this day, at 4:20 o'clock p. m., presented the same to the Governor for his approval.

TERRELL, Chairman.

ENROLLING DEPARTMENT.

(Bill in Full.)

Committee Room,

Austin, Texas, April 3, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 47, being "An Act to authorize the Gulf, Colorado and Santa Fe Railway Company to purchase the railroads and all other property of the Cane Belt Railroad Company, now owned and hereafter acquired, and to operate the same under the charter of the Gulf, Colorado and Santa Fe Railway Company as part of its own line, with the right to extend the said road, and to construct branches therefrom by amendment to its charter under the

General Laws of the State of Texas, and to authorize the corporation or corporations, person or persons, now or hereafter owning the said property to sell the same to the Gulf, Colorado and Santa Fe Railway Company, and until such purchase is made to authorize the lease by the Gulf, Colorado and Santa Fe Railway Company of the railroad and other properties of said other company."

Be it enacted by the Legislature of the State of Texas:

Section 1. That the Gulf, Colorado and Santa Fe Railway Company is hereby authorized and empowered to purchase the railroads and all other properties of every character of the Cane Belt Railroad Company, now owned and hereafter acquired, and the corporation or corporations, person or persons, now or hereafter owning the said properties, are authorized and empowered to sell, transfer and convey the said railroad and all other property of the said company, real, personal and mixed, to the Gulf, Colorado and Santa Fe Railway Company, and when the said property is so purchased by the Gulf, Colorado and Santa Fe Railway Company, it, the Gulf, Colorado and Santa Fe Railway Company, shall, and it is hereby authorized to, own and operate it under its own charter as a part of its own line, and it shall have the right, by amendment to its charter under the General Laws of this State, to extend the railroad and to construct branches of the said railroad or of the extensions thereof.

Sec. 2. In addition to the stocks and bonds heretofore issued by it, the Gulf, Colorado and Santa Fe Railway Company is hereby empowered and authorized to issue its stock and bonds, either or both, to make payments for the said properties, but the said stocks and bonds shall not be used at less than their par value; and before the same shall be issued they shall be approved by an order of the Railroad Commission of Texas, and registered by the Secretary of State, and before making such order the Railroad Commission shall require satisfactory evidence that all bonds theretofore issued by said Cane Belt Railroad Company have been satisfied and canceled; provided, that before approval of any bonds or stock under this act the Railroad Commission may require the filing of all agreements relating to the purchase price and all other data pertaining thereto.

Provided further, that either in the event of purchase or lease by the Gulf, Colorado and Santa Fe Railway Company of the said Cane Belt Railroad, and before such sale or lease can take effect, there shall be filed with the

Railroad Commission of Texas a full and complete statement of the following matters, to-wit: (a) The date when such sale or lease was first agreed upon and first put in process of consummation; (b) the date when such sale or lease, if either has heretofore been consummated, agreed on or put in process of consummation, was so consummated, agreed on or put in process of consummation; (c) the terms of such sale or lease, made or to be made, together with the price paid or to be paid, if a sale, to whom such price has been or is to be paid, and if a lease, when the terms and conditions of such lease, as in the act contemplated.

There shall also be filed with said commission a complete statement showing who owned the shares of stock of said Cane Belt Railroad Company at the time of its transfer from said Cane Belt Railroad Company, or the holders thereof, together with the amount of stock owned by each stockholder of said Cane Belt Railroad Company, and the amount paid and to be paid to each of such stockholders either by the Gulf, Colorado and Santa Fe Railway Company, or any other company or person or persons from whom the said Santa Fe Railway Company has or is to acquire said Cane Belt stock, or to the lease of said Cane Belt Railroad.

Sec. 3. The said Gulf, Colorado and Santa Fe Railway Company shall have the right to either purchase and pay for such railroad and other properties provided in Section 2 of this act, or it may purchase the said railroad and properties, subject to all bonds and mortgages of the said company, then owing or outstanding, and the said Gulf, Colorado and Santa Fe Railway Company may issue a sufficient amount of stock to pay for the said railroad and properties, subject to the bonds and mortgages then outstanding; such stock so issued by the Gulf, Colorado and Santa Fe Railway Company to be first approved by the said Railroad Commission. In the event a purchase shall be made under this section, the Gulf, Colorado and Santa Fe Railway Company may, at any time thereafter, issue its bonds in exchange for the bonds outstanding of the Cane Belt Railroad Company; provided, the said bonds so to be issued in exchange shall be approved by the said Railroad Commission, which shall require satisfactory evidence of the cancellation of the bonds of the Cane Belt Railroad Company before approving the bonds so to be issued in exchange by the Gulf, Colorado and Santa Fe Railway Company.

Sec. 4. Until a purchase shall have been made by the Gulf, Colorado and

Santa Fe Railway Company, under this act, of the properties described in Section 1 hereof, the said Gulf, Colorado and Santa Fe Railway Company is hereby authorized and empowered to lease said railroad and other properties of the Cane Belt Railroad Company for a term or terms not exceeding fifty years, upon such terms as may be agreed upon between the said Gulf, Colorado and Santa Fe Railway Company and the owner or owners of said railroad and other properties, and to operate the same during any such lease as a part of its own line. During the existence of such lease the Cane Belt Railroad Company and all of its said properties shall remain liable upon all valid contracts and for all debts and liabilities of every character existing at the time such lease is executed, to the same extent as though such lease had not been executed.

Sec. 5. In the event of the purchase of the property described in Section 1 of this act by the Gulf, Colorado and Santa Fe Railway Company, said property so purchased shall, in the possession of the Gulf, Colorado and Santa Fe Railway Company, be and remain liable upon all valid contracts, and for all debts and liabilities (other than bonds which may have been canceled as provided in this act) existing at the time of such purchase, to the same extent that the same would have been while owned by or in the possession of the corporation or corporations, person or persons, from whom such purchase shall have been made; it being the intent hereof that such purchase shall not discharge such property from any contract, obligation or other liability which would have existed but for such purchase, and suits pending at the time of such purchase may be prosecuted, and suits may hereafter be instituted on any such debt, liability or contract in which service of process may be had upon any officer or agent of the Gulf, Colorado and Santa Fe Railway Company, on whom service may be authorized by the general laws of this State, and in such suit or suits the party or parties shall be entitled to any and every remedy that would have existed had no such purchase been made.

Sec. 6. Any purchase or lease authorized by this act shall be valid only when approved by a vote of two-thirds of the stock of each company to be affected thereby.

Sec. 7. The crowded condition of the calendar creates an imperative public necessity and emergency requiring the suspension of the constitutional rule requiring bills to be read on three several days, and the same is so suspended, and this act shall take effect

from and after its passage, and it is so enacted.

And find the same correctly enrolled, and have this day, at 11:35 o'clock a. m., presented the same to the Governor for his approval.

TERRELL, Chairman.
Committee Room,

Austin, Texas, April 4, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Substitute Senate bill No. 45, being "An Act to amend Articles 3611, 3621, Title LXXVII, Chapter 1 of the Revised Statutes."

And find the same correctly enrolled, and have this day at 4:20 o'clock p. m., presented the same to the Governor for his approval.

TERRELL, Chairman.
Committee Room,

Austin, Texas, April 4, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 281, being "An Act ratifying and confirming an ordinance passed by the Board of Commissioners of the City of Galveston on the 13th day of March, 1905, entitled 'An ordinance abandoning, closing and discontinuing certain streets, avenues and alleys of the City of Galveston, and authorizing and empowering M. A. Low and his heirs and assigns to construct and perpetually maintain piers, docks, wharves, warehouses depots, platforms, tracks and elevators, and to dredge or fill between and on the sides of such piers, docks, wharves, warehouses, depots, platforms, tracks and elevators, on the shores of Galveston Bay, within the corporate limits of the City of Galveston, upon certain specified conditions,' and conditionally relinquishing any claim the State of Texas may have to part of the land therein described."

And find the same correctly enrolled, and have this day at 4:20 o'clock p. m., presented the same to the Governor for his approval.

TERRELL, Chairman.
Committee Room,

Austin, Texas, April 4, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 232, a bill to be entitled "An Act to amend Section 10, Chapter 29, of the General Laws of the State of Texas, passed at the regular session of the Twenty-sixth Legislature, entitled 'An Act to provide for special road law for Denton county,'

Texas, to empower the commissioners of said county with special authority to act as road commissioners for said county, with power to purchase teams and tools for said work; to summons any one subject to road duty; also providing for penalty for failure to work; also providing for working upon public roads those who have not paid poll tax, with penalty for failure to work; also providing for amount that may be paid by each tax payer annually on work; also compensation for commissioners when engaged in this duty, relating to compensation of the county commissioners when acting as road commissioners, and with an emergency clause."

And find the same correctly enrolled, and have this day at 4:20 o'clock p. m., presented the same to the Governor for his approval.

TERRELL, Chairman.

INSURANCE, STATISTICS AND HISTORY.

(Floor Report.)

Austin, Texas, April 4, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Insurance, Statistics and History, to whom was referred

House bill No. 320, a bill to be entitled "An Act to amend an act to amend Section 16 of an act to define and regulate fraternal benefit societies, orders or associations; to prescribe the terms and conditions on which such societies, organized under the laws of other States, or those doing business in other States, may be permitted to business in Texas, and to define the duties of the Commissioner of Insurance of this State in reference thereto,"

Have had the same under consideration and we report it back to the Senate with the recommendation that it do pass.

HICKS.
SKINNER.
WILLACY.
GLASSCOCK.
MEACHUM.

JUDICIARY NO. 1.

Committee Room,

Austin, Texas, April 4, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 313, a bill to be entitled "An Act to appropriate the sum of fifteen thousand (\$15,000) dollars or so much thereof as may be necessary for the purpose of enabling the Attorney General to make investigations of

violations of the Anti-Trust Law of this State, and the abuse of charter powers of corporations doing business in this State, and to procure evidence thereof and to enforce the laws of this State upon such subjects,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

HICKS, Chairman.

JUDICIARY NO. 2.

Committee Room,

Austin, Texas, April 4, 1905.

Hon. George D. Neal, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

House bill No. 116, a bill to be entitled "An Act to amend Sections 1, 2 and 3, and adding thereto Sections 4 and 5 of Chapter 50, of the General Laws of Texas, passed at the regular session of the Twenty-eighth Legislature, entitled 'An Act to prohibit the buying and selling of pools or racing or making bets on horse racing; to prohibit leasing of premises for pool rooms, and to provide a penalty for its violation, prohibiting horse racing, and betting on horse racing on Sunday,'"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with the following amendment:

DAVIDSON, Chairman.

Amend the bill by striking out all after the words "so as to read as follows," at the end of Section 1, and insert in lieu thereof the following:

Section 1. If any person shall engage or assist in pool selling, book making, taking or accepting any bet on any horse race except on the day, and within the inclosure where such race is run, he shall be punished by a fine of not less than two hundred nor more than five hundred dollars, and imprisonment in the county jail for not less than thirty nor more than ninety days.

Sec. 2. If any person shall buy, pool or otherwise win anything of value on any horse race at any time or place, except on the day and within the inclosure where such race is run he shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars.

Sec. 3. If any owner or lessee of any property in this State shall permit the same to be used as a place for the said pool, bookmaking, or wagering on any horse race to be had in this or any other State except on the days and within the inclosure where such race is run, he shall be punished by a fine of not less than two hundred, nor

more than five hundred dollars and imprisonment in the county jail for not less than thirty days nor more than ninety days, and each and every day that the provisions of this article are violated shall constitute a separate offense. It being the intention in the foregoing article to prohibit pool rooms or other places where persons may congregate for buying and selling pool or otherwise wagering anything of value on horse races, except on the day and within the inclosure where such race is run.

Sec. 4. If any owner or lessee of any horse shall engage in horse racing on Sunday, or if any person shall wager on bet, or accept any tender or offer to bet on any horse race on Sunday, he shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than one hundred dollars and not more than five hundred dollars, each horse race and each wager or bet or offer to bet, or acceptance and tender made on Sunday as aforesaid shall constitute a separate offense. Any court, officer or tribunal having jurisdiction of the offenses enumerated in the preceding sections, or any district or county attorney may subpoena persons and compel their attendance as witnesses to testify as to the violation of any of the provisions of the foregoing sections. Any person so summoned and examined shall not be liable to prosecution for any violation of said section about which he may testify, and for any offense enumerated in the foregoing sections a conviction may be had upon unsupported evidence of an accomplice or participant.

Sec. 5. It shall be unlawful for the management of any fair or race association in this State to sell to any man or set of men or corporation the exclusive privilege of betting, book-making or pool selling at such fair or race meeting, and every reputable responsible person shall be admitted to make books or sell pool on equal terms with all others, and for the violation of the terms of this section by any of the officers or managers of any fair or racing association, they or either of them shall be fined in the sum of not less than one hundred nor more than five hundred dollars.

MINING AND IRRIGATION.

Committee Room,
Austin, Texas, April 4, 1905.
Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Mining and Irrigation, to whom was referred

House bill No. 588, a bill to be entitled "An Act authorizing the operation of the irrigation reclamation act

of Congress to the State of Texas in certain cases."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

DECKER, Chairman.

ENGROSSING DEPARTMENT.

Committee Room,
Austin, Texas, March 31, 1905.
Hon. Geo. D. Neal, President of the Senate:

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 310, being "An Act to amend Article 4730 of the Revised Civil Statutes of the State of Texas, declaring who shall be liable to road duty."

And find the same correctly engrossed.

BARRETT, Chairman.
Committee Room.

Austin, Texas, March 31, 1905.
Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 307, being "An Act to authorize, enable and permit the territory situated within the bounds of the City of Amarillo, in the county of Potter, and State of Texas, and other land and territory adjacent thereto, to incorporate as an independent school district for free school purposes only, to be known as the 'Amarillo independent school district,' with all the powers, rights and duties of independent school districts formed by incorporation of towns and villages for free school purposes only."

And find the same correctly engrossed.

BARRETT, Chairman.

MILITARY AFFAIRS.

Committee Room,
Austin, Texas, April 4, 1905.
Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Military Affairs, to whom was referred

House bill No. 480, a bill to be entitled "An Act to define and provide for organizing and disciplining the militia; to prescribe the duties of the Governor, the Adjutant General, and all officers and enlisted men thereof; to define military offenses; to provide for the trial and punishment thereof; to provide for the pay, transportation and subsistence of the militia when called

into actual service, and to repeal all laws in conflict therewith."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed. CHAMBERS, Chairman.

PRIVILEGES AND ELECTIONS.

Committee Room,

Austin, Texas, April 4, 1905.

Hon. Geo. D. Neal, President of the Senate:

Sir: Your Committee on Privileges and Elections, to whom was referred

House bill No. 15, a bill to be entitled "An Act to regulate elections, and to provide penalties for its violations,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

LOONEY, Chairman.

PUBLIC DEBTS, CLAIMS AND ACCOUNTS.

Committee Room,

Austin, Texas, April 4, 1905.

Hon. Geo. D. Neal, President of the Senate:

Sir: Your Committee on Public Debt, Claims and Accounts, to whom was referred

House bill No. 411, a bill to be entitled "An Act to provide for the retirement of certain bonds of the State of Texas, maturing on the 1st day of July, 1906; for issuing other bonds at a lower rate of interest in lieu thereof; providing for the execution of such other bonds, and the manner of exchange of the new bonds,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

HAWKINS, Chairman.

FIFTY-FIFTH DAY.

Senate Chamber,

Austin, Texas.

Wednesday, April 5, 1905.

Senate met pursuant to adjournment, Lieutenant Governor Neal in the chair.

Roll call, quorum present, the following Senators answering to their names:

Barrett.
Beaty.
Brachfield.
Chambers.
Davidson.
Decker.
Faulk.
Faust.
Glasscock.
Griggs.
Grinnan.
Hale.
Hanger.
Harper.
Harbison.
Hawkins.

Hicks.
Hill.
Holland.
Looney.
Martin.
Meachum.
McKamy.
Paulus.
Skinner.
Smith.
Stafford.
Stokes.
Stone.
Terrell.
Willacy.

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of Friday, on motion of Senator Stafford, the same was dispensed with.

See appendix for standing committee reports.

BILLS AND RESOLUTIONS.

(Bills.)

By Senators Stafford, Smith, Davidson, Hill, Hicks, Skinner and Looney:

Senate bill No. 317, a bill to be entitled "An Act to amend Article 320 of Chapter 1, Title XIV, of the Revised Statutes of the State of Texas, relating to the duties and liabilities of carriers."

Read first time and referred to Judiciary Committee No. 1.

By Senator Terrell:

Senate bill No. 318, a bill to be entitled "An Act to reorganize the Fifth Judicial District and the Seventh Judicial District of Texas, and prescribing the time of holding court in the counties composing said districts and validating process and declaring an emergency."

Read first time and referred to Committee on Judicial Districts.

Morning call concluded.

HOUSE CONCURRENT RESOLUTION NO. 25—ADOPTION OF.

The Chair laid before the Senate

House concurrent resolution No. 25, relating to the appointing a committee to investigate the management of the Confederate Home, and providing for the appointment of a committee from the Senate and House to investigate and report the same to the Legislature.

The resolution was read and adopted.